

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
January 28, 2014 at 5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Elizabeth Blackstone, Council members Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Copelin.

Councilmember Okray gave the invocation, and Councilmember Clark led everyone in the pledge of allegiance.

### **Approval of Agenda**

*Motion was made by Mayor Pro-Tem Blackstone to approve the agenda as written. Motion was seconded by Councilmember Gilmore. The motion carried unanimously.*

### **Citizens Petitions**

**CP-14-001** Patricia Martinez & Joshua Hammerslough (1509 Grey Fox Trail) - Discuss Sale of Drug Paraphernalia at Convenience Stores.

**Comments:** Spoke in support of a ban on the sale of drug paraphernalia at local convenience stores; feels the paraphernalia is too accessible to children.

### **Consent Agenda**

**CA-14-007** Consider minutes of Regular City Council Meeting of January 14, 2014.  
No changes.

**CA-14-008** Consider a memorandum/resolution approving a second lease amendment with T-Mobile West Tower LLC for an expanded communications facility at Killeen Fire Department Station 5.  
**Staff comments:** Traci Briggs - T-Mobile has approached the city to expand the leased area behind Fire Station 5 by 288 square feet, consisting of a 24' x 12' area adjacent to the current leased area. The area will be used for communication equipment to support additional equipment to be placed on the existing tower. Allowing T-Mobile use of this area will require relocation of an existing air conditioning unit for the fire station and fencing that surrounds the Public Works yard behind the fire station, both of which will be completed at T-Mobile's expense. T-Mobile will pay an additional \$700 per month for the second leased area. Lease would expire in 2040.

- CA-14-009** Consider a plat submitted by Great Lakes Properties, L.L.C. (Case #13-056FS: Great Lakes Addition) being a final plat of approximately 18.632 acres, part of the Julia Stephens Survey, Abstract No. 745. The property is located on the south right-of-way of Vahrenkamp Drive, approximately 120 feet east of Chelsea Drive, Killeen, Texas.  
**Staff comments:** Tony McIlwain - The property is zoned R-3A (Multifamily Apartment Residential District) and the applicant is platting the property into one residential lot for a future apartment complex.  
The Staff Review Committee met and concurred that the plat had met all provisions of Chapter 26 of the Killeen Code of Ordinances.  
The Planning and Zoning Commission approved the request.
- CA-14-010** Consider a memorandum/resolution to appoint a Presiding Municipal Court Judge.  
**Staff comments:** Ann Farris - Mr. Mark D. Kimball is being brought forward to the Council for their consideration of appointment to the position of Municipal Court Judge.

*Motion was made by Mayor Pro-Tem Blackstone to approve the Consent Agenda items 007 thru 010. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

### **Public Hearings / Ordinances**

- PH-14-006** HOLD a public hearing and consider a plat submitted by Big Diamond, L.L.C. (Case #13-030RS: CST Addition) being a replat of Lot 1, Block 1, Jamie Addition and Lot 1, Block 1, Mike Jacobs Estates. The property is locally known as 1000 and 1100 W. Stan Schlueter Loop, Killeen, Texas.  
**Staff comments:** Tony McIlwain - a plat of approximately 3.272 acres. The property is currently zoned B-5 (Business District) and the applicant is replatting the property into one commercial lot. Combine lots for future commercial development.  
The Staff Review Committee met and concurred that the plat had met all provisions of the Killeen Code of Ordinances.  
The Planning and Zoning Commission approved the plat by a vote of 7 to 0.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Okray to approve PH-14-006. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

**PH-14-007** HOLD a public hearing and consider a plat submitted by Kimberly Miles (Case #13-053RS: Town East Replat) being a replat of part of Lot 1, Block 1, Town East Addition. The property is located on the south right-of-way of Zephyr Road, approximately 165 feet west of Martin Luther King Jr. Boulevard and is locally known as 4310 Zephyr Road, Killeen, Texas.  
**Staff comments:** Tony McIlwain - Killeen Engineering & Surveying, Ltd. submits this request on behalf of Kimberly Miles for a plat of approximately .263 acre. The property is currently zoned B-5 (Business District) and the applicant is replatting the property into one commercial lot for Miles Hamburgers. The Staff Review Committee met and concurred that the plat had met all provisions of the Killeen Code of Ordinances.  
The Planning and Zoning Commission approved the plat by a vote of 8 to 0.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Segarra to approve PH-14-007. Motion was seconded by Councilmember Okray. Motion carried unanimously.*

**PH-14-008** HOLD a public hearing and consider a plat submitted by CAH, L.L.C. (Case #13-057RS: 16 Acre Addition, Phase Three, Section Two) being a replat of part of Lot 1, Block 1, 16 Acre Addition, Phase Three. The property is locally known as 3124 E. Central Texas Expressway, Killeen, Texas.  
**Staff comments:** Tony McIlwain - a plat of approximately 2.553 acres. The property is zoned B-5 (Business District) and the applicant is replatting the property into two (2) commercial lots for future commercial endeavors. The Staff Review Committee met and concurred that the plat did not validate; however, during the Planning and Zoning Commission workshop, the applicant's engineer provided additional documentation and responses that met all provisions of Chapter 26 of the Killeen Code of Ordinances.  
The Planning and Zoning Commission approved the plat by a vote of 7 to 1.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-14-008. Motion was seconded by Councilmember Harris. Motion carried unanimously.*

**PH-14-009** HOLD a public hearing and consider an ordinance requested by Clements Boys and Girls Club, Inc. (Case #Z13-51) to rezone Lot 2, Block 1, Sturling Addition, from R-1 (Single-Family Residential District) to B-4 (Business District) for a boys and girls club. The property is located at the southwest intersection of E. Elms Road and Rainlily Street, and is locally known as 2900 E. Elms Road, Killeen, Texas.

The City Secretary read the caption of the ordinance as follows:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-4 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Staff comments: Tony McIlwain** - This request is to rezone approximately 10.041 acres. The Boys and Girls Club- Teen Center's previously approved SUP (Special Use Permit) has expired.

Staff notified thirty-five surrounding property owners within a 200' notification boundary. Staff did receive some protests. The property owners protesting this rezone request own approximately 4% of the land area within the 200 feet notification boundary.

The Planning and Zoning Commission recommends approval of the applicant's B-4 (Business District) zoning request for this site.

Mayor Corbin opened the public hearing.

Glen Grandy – Property chairman for club: spoke in favor of the rezoning request. Stated there are no other plans other than boys and girls club for the facility. With no one else appearing the public hearing was closed.

*Motion was made by Mayor Pro-Tem Blackstone to approve PH-14-009. Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

## **Ordinances / Resolutions**

**OR-14-002** Consider an ordinance ordering the General Election for May 10, 2014 for the Mayor and three Council Members-at-Large.

The City Secretary read the caption of the ordinance as follows:

**AN ORDINANCE ORDERING THE HOLDING OF AN ELECTION IN THE CITY OF KILLEEN, TEXAS, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS-AT-LARGE; PRESCRIBING THE QUALIFICATIONS FOR CANDIDATES; PROVIDING FOR THE FILING OF WRITTEN APPLICATION TO HAVE THEIR NAMES PRINTED ON THE OFFICIAL BALLOT; FIXING THE TIME WITHIN WHICH SUCH APPLICATION MAY BE FILED; SPECIFYING THAT THE PROVISIONS OF THE GENERAL ELECTION LAWS SHALL CONTROL ALL QUESTIONS PERTAINING TO SUCH ELECTION; PRESCRIBING THE CONTENTS OF THE OFFICIAL BALLOT; PROVIDING FOR COMPENSATION; DESIGNATING THE POLLING PLACES , AND PROVIDING FOR POSTING AND PUBLICATION OF NOTICE OF ELECTION AND CONTAINING MISCELLANEOUS PROVISIONS.**

**Staff comments:** Dianna Barker - The attached ordinance has been prepared to call an election for the purpose of electing a Mayor and three Council Members-at-Large and designating the polling places and times. There will be cost-saving if KISD participates in a joint election with the City.

*Motion was made by Councilmember Okay to approve OR-14-002. Motion was seconded by Councilmember Segarra. Motion carried unanimously.*

**OR-14-003** Consider an ordinance amending Chapter 3, Alcoholic Beverages, to amend the process for collecting fees related to alcohol permits and licenses, and allowing late hours service.

The City Secretary read the caption of the ordinance as follows:

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS, BY AMENDING SECTIONS 3-2 AND 3-3; AND BY ADDING SECTION 3-4 TO PERMIT LATE HOURS PERMITEES OR LICENSEES TO OPERATE DURING EXTENDED HOURS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.**

**Staff comments:** Traci Briggs - The Texas Alcoholic Beverage Code allows the city by ordinance to collect one-half of the bi-annual fees paid to the state, unless otherwise exempt. The late hour's provision will allow businesses to sell alcohol until 2AM on any day. The ordinance changes when the permit fees are due and provides to administration of the fees by the City Secretary.

*Motion was made by Councilmember Okray to approve OR-14-003. Motion was seconded by Councilmember Clark. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Harris, seconded by Councilmember Segarra, and unanimously approved, the meeting was adjourned at 5:27 p.m.

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Daniel A. Corbin, Mayor

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Dianna Barker, City Secretary